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Department of Energy

ROCKY FLATS OFFICE
P O BOX 928
GOLDEN COLORADO 80402-0928

JAN 28 1992

92-DOE-0948
CORRESPONDENCE



000020497

Mr John Wegrzyn
U S Fish & Wildlife Service
Colorado State Office
730 Simms Street
Golden, CO 80401

Dear Mr. Wegrzyn:

As was discussed at the RFP Natural Resource Trustee meeting held on January 15, 1992, the U.S. Department of Energy (DOE) believes it to be prudent to conduct the equivalent of the injury determination/quantification phases of a Type B Assessment per 43CFR Part 11 during the RI/RFI investigations conducted under CERCLA/RCRA. Note, however, that this will not constitute formal Natural Resource Damage Assessment (NRDA) activities such as a Preassessment Screen or a Type B Assessment. It is DOE's goal to work closely with the Natural Resource Trustees to devise remedies which incorporate early appropriate resource restoration plans, while at the same time avoiding costly and time-consuming litigation.

Our reasons for desiring to conduct RI/RFI activities such that 43CFR Part 11 is complied with are to:

- 1) Avoid remobilizing field teams after the RI/RFI field activities have been finalized,
- 2) Enable a more complete preassessment screen at the signing of the ROD/CAD,
- 3) Obtain the rebuttable presumption contained in section 111(h) of CERCLA, and
- 4) Comply with DOE Order 5400 4, CERCLA requirements.

We request that the RI/RFI Work Plans completed to date and Standard Operating Procedures be reviewed for consistency with 43CFR Part 11, Subpart E (11.61 through 11.73). A meeting of the RFP Natural Resource Trustees will be scheduled for sometime in late March 1992, to discuss the adequacy of our Environmental Restoration program relative to the requirements of 43CFR Part 11.

With regard to priority, we request that the Phase III RI/RFI Work Plan be addressed first, followed by the Phase II RI/RFI Work Plan for OU 2 and the Phase I RI/RFI Work Plan for OU 3. Inspection of these work plans should be sufficient for extrapolation to the remainder of the RFP work plans should your time be limited.

Sincerely,

David P. Simonson

David P. Simonson
Assistant Manager
for Environmental Management

Reviewed for Addressee
Corres. Control RFP

3092

DATE BY

Ref Ltr #

ADMIN RECORD

J Wegrzyn

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cc: A. Rampertaap, EM-453
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R Schassburger, ERD, RFO
J Vreeland, ERD, RFO
B Thatcher, ERD, RFO
J. Kersh, EG&G
L Woods, EG&G
R. Stewart, DOI
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